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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,417	03/19/2001	Tara Burnhouse	80398.P349	2453

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EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/812,417

Applicant(s)

BURNHOUSE ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Withdrawal From Issue***

1. The indication of allowability set forth in the previous action is withdrawn and prosecution is reopened in view of the following new ground of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. (US Patent No. 5,585,838).

Regarding claims 1, 9, 17 and 23 Lawler discloses a method for indicating future program action on a future program information display comprising: providing future program information for a plurality of future programs [the program schedule information at the head end covers at time period extending about one week into the past and two weeks into the future; see col. 13, lines 1-3], at least one future program being selected by a user [..see block 236, at figure 5A, and col. 14, lines 23-24]; providing on a future program actions menu [136, at figure 8, block 238, at figure 5A, and column 14, lines 23-26]; a plurality of future program actions for the selected future program [such as Order button 138, Remind button 140, Record button 130, at figure 8, and column 14, lines 30-35], at least one future program action being selected by the

user [see col. 14, lines 26-29]; each future program action being an action selected to be performed on a future program [see col. 14, lines 35-48]; receiving the selected at least one future program and the selected at least one future program action from the user [see block 240, at figure 5A, and col. 14, lines 26-29; and displaying the future program information of the selected at least one future program with an indicator such that the indicator indicates the selected at least one future program action [see program summary panel 108, at figure 8] with an indicator indicates the selected at least on future program action [with icon that “indicate certain characteristics set by the user” at column 10, lines 34-41].

Regarding claims 2, 10, 18 and 24 Lawler discloses wherein the indicator is an action-descriptive icon [see col. 18, lines 53-67].

Regarding claims 3, 11, 19 and 25 Lawler discloses wherein the future program actions menu comprises features selected from the group consisting of a return feature, allowing user to navigate back to preference menu [the navigation key is pressed, program schedule information from the head end to update the program summary panel; see col. 15, lines 4-14], and a help feature, allowing user to navigate to several dependent help categories, the features being able to be selected by a user [the display panel to help user when viewing program schedule; see col.10, lines 5-15).

Regarding claims 4 and 12, Lawler wherein the selected at least one future program is indicated by highlighting [see focus frame 102, at figure 8, and column 14, lines 23-24].

Regarding claims 5 and 13, Lawler discloses wherein the future program actions menu is displayed in a pop up window on the monitor display screen [a preview window 108, see col. 10, lines 28-29 and figures 3 and 8].

Regarding claims 6, 14, 20 and 26 Lawler discloses wherein the selected at least one future program action includes actions selected from the group consisting of recording the selected at least one future program, notifying the user of the display schedule of the selected at least one future program, and preventing the display of the selected at least one future program [see col. 10, lines 35-41].

Regarding claims 7, 15, 21 and 27 Lawler wherein the start and/or stop times of the selected at least one future program action does not match the start and/or stop times of the selected at least one future program (see col. 13, lines 25-37).

Regarding claim 8, 16, 22 and 28 Lawler discloses wherein the future program actions menu includes a source option such the selected future program action will affect all future programs from a user-specified source (see col. 14, lines 58-67).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

04/11/05



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